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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,688	06/22/2007	Peter Rushe	ICC-303A/PCT/US	2843
31217	7590	11/24/2009		
Loctite Corporation One Henkel Way Rocky Hill, CT 06067			EXAMINER  ALLEN, JEFFREY R	
			ART UNIT	PAPER NUMBER
			3781	
			MAIL DATE	DELIVERY MODE
			11/24/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/599,688

**Applicant(s)**

RUSHE ET AL.

**Examiner**

JEFFREY ALLEN

**Art Unit**

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9-16 and 34-42 is/are pending in the application.
- 4a) Of the above claim(s) 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 9-15 and 34-42 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/9/2009</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9, 10 and 42 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 9 and 10 depend from claim 7 which was cancelled.
4. Regarding claim 42, it is unclear how the display face and the opposing back face can face in the same direction (pg. 7, lines 3-4).

**For the remainder of the office action Examiner will assume that claims 9 and 10 depend from claim 1.**

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 6, 9-11, 35, 36, 38, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramlosa (WO 03/064275) in view of Garrett (U.S. Patent Application Publication No. 2002/0063078).

7. Regarding claim 1, Ramlosa discloses a container having a front display side and rear side comprising a container body (1) defining a housing into which a material can be placed and a mouth (5) at an end of the housing, a closure (3) pivotable between an open and closed position to seal the housing (pg. 2, ll. 24), and a display board (13) connected to the container by at least one hinge portion (12) and pivotable between a first position wherein the display panel faces in the same direction as the front display side and a second position.

8. Ramlosa fails to teach that when the display board is in the second position the display panel faces in the same direction as the rear side.

9. Garret teaches that it is known in the art to manufacture a display board (7) that pivots in such a way that in the first position the display panel faces in the same direction as a front display side and in the second position the display panel faces in the same direction as a rear side (Figs. 3 and 5).

10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the display board the pivot in the way taught by Garret as another method of accomplishing the display board being moveable to multiple positions.

11. Regarding claims 6, 9 and 10, the modified container of Ramlosa teaches wherein the container has a base that can maintain the container in a standing position, the closure is mounted on the container by a flexible hinge (4) and the closure is snap fit on the container (pg. 2, ll. 24).

12. Regarding claim 11, the modified container of Ramlosa teaches wherein the hinge has a catch (opening) that is snap fit over the hinge (12) to connect with a rim (located between the sidewall and the end of 12) that projects radially outward from the container so that the display board is held in the first position.

13. Regarding claims 35 and 36, the modified container of Ramlosa teaches all the claimed limitations as shown above and wherein the container body is a polymeric material (pg. 2, ll. 16), and wherein the display board has a free end, support end and display face such that the free end is extending away from the body in the first position and the free end is adjacent the body and close to the body closed end in the second position.

14. Regarding claim 38, the modified container of Ramlosa teaches wherein a closure hinge connects the closure to the body but fails to teach wherein the pivot axis of the hinge and closure are perpendicular. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the hinges to be perpendicular, since it has been held that rearranging parts of an invention involves only routine skill in the art.

15. Regarding claim 40, the modified container of Ramlosa teaches wherein one of the open end or the closure has an annular channel and the other has a rim that snap fits with the annular channel to provide a seal (pg. 5, lines 11-14).

16. Regarding claim 41, the modified container of Ramlosa teaches all the claimed limitations as shown above but fails to teach wherein the hinges a unitarily molded with the body. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have made the hinges as one piece with the body, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

17. Claims 2, 4, 5, 34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above and further in view of Belfance et al. (U.S. Patent No. 6,398,067).

18. Regarding claims 2, 4 and 5, the modified container of Ramlosa teaches all the claimed limitations as shown above but fails to teach a tamper evident feature comprising a frangible connection between the closure and container body, the tamper evident feature further being a pin.

19. Belfance teaches that is known in the art to manufacture a container and closure with a tamper evident feature made up of a pin (Figs. 5 and 6) that permanently indicates when the closure has been opened.

20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the modified container of Ramlosa with the tamper evident feature taught by Belfance in order to protect a user from harmful contents of the container.

21. Regarding claim 34, the modified container of Ramlosa teaches all the claimed limitations as shown above but fails to teach wherein the body is molded as a single piece.

22. Belfance teaches that it is known in the art to manufacture a container body that is molded out of a single piece.

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made the have manufactured the body of the modified container of Ramlosa as a single piece, as taught by Belfance, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

24. Regarding claim 37, the modified container of Ramlosa teaches all the claimed limitations as shown above.

25. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above and further in view of Cunningham et al. (U.S. Patent Application Publication No. 2004/0217032).

26. The modified container of Ramlosa teaches all the claimed limitations as shown above but fails to teach wherein the display board is retained in the second position by engagement of a projection on the display board with a rim proximate the first end of the body.

27. Cunningham teaches that it is known in the art to manufacture a container with a display board wherein the display board is retained in a second position by engagement of a projection (106) on the display board with a rim (50) proximate a first end of the body.

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the display board of the modified container of Ramlosa with a projection that engages a rim, since it has been held that a mere reversal of essential working parts of a device involves only routine skill in the art.

29. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above and further in view of Vasudeva et al. (U.S. Patent Application Publication No. 2003/0029756).

30. Regarding claim 39, the modified container of Ramlosa teaches all the claimed limitations as shown above but fails to teach wherein the closure has an internal surface with a grips projecting from the internal surface to hold a product.

31. Vasudeva teaches that it is known in the art to manufacture a closure for a container with grips (38) that can hold a product.

32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the modified container of Ramlosa with the grips taught by Vasudeva in order to better secure the contents of the container.

33. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Ramlosa in view of Garrett, Vasudeva, Belfance and Cunningham.

34. The references cited teach all the claimed limitations as shown above and it would be obvious to one of ordinary skill in the art to combine them for the same reasons shown above.



***Allowable Subject Matter***

35. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

36. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY ALLEN whose telephone number is (571)270-7426. The examiner can normally be reached on Monday through Friday 8:00 AM TO 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. A./  
Examiner, Art Unit 3781

/Anthony Stashick/  
Supervisory Patent Examiner, Art  
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